

E-FILED - 1/30/09

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JESUS ORNELAS DIAZ,)	No. C 06-6370 RMW (PR)
)	
Petitioner,)	ORDER GRANTING PETITIONER'S
)	MOTION FOR LEAVE TO APPEAL
vs.)	IN FORMA PAUPERIS; DENYING
)	MOTION FOR APPOINTMENT OF
ROSEANNE CAMPBELL, Warden,)	COUNSEL
)	
Respondent.)	(Docket Nos. 22, 23)
_____)	

Petitioner, a state prisoner proceeding pro se, filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The court granted respondent's motion to dismiss the petition based on timeliness grounds. Petitioner filed a certificate of appealability ("COA") pursuant to 28 U.S.C. § 2253(c), which the court denied on January 15, 2009.

Because the appeal is taken in good faith and because of petitioner's lack of funds, see 28 U.S.C. § 1915(a)(3), petitioner's request to appeal in forma pauperis is hereby GRANTED. Petitioner's request for appointment of counsel on appeal is DENIED without prejudice to petitioner's requesting such appointment in the Court of Appeals.

This order terminates docket nos. 22 & 23.

IT IS SO ORDERED.

DATED: 1/30/09


RONALD M. WHYTE
United States District Judge